

REMARKS

Applicant has studied the Office Action dated September 26, 2005, and has canceled claim 15 without prejudice and amended claims 1, 8, 16. No new matter has been added as the new claims have support in the application as originally filed. Claims 1-14 and 16-20 are pending. Claims 1, 8 and 16 are independent claims. It is submitted that the application, as amended, is in condition for allowance. Reconsideration and reexamination are respectfully requested.

§ 102 Rejections

Claims 1, 3, 8, 9, 11 and 15 were rejected under 35 U.S.C. § 102(b) as being anticipated by Chiang et al. ("Chiang" U.S. Patent No. 6,876,331). This rejection is respectfully traversed.

It is respectfully noted that a proper rejection for anticipation under § 102 requires complete identity of invention. The claimed invention, including each element thereof as recited in the claims, must be disclosed or embodied, either expressly or inherently, in a single reference. Scripps Clinic & Research Found. v. Genentech Inc., 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991); Standard Havens Prods., Inc. v. Gencor Indus., Inc., 953 F.2d 1360, 1369, 21 U.S.P.Q.2d 1321, 1328 (Fed. Cir. 1991).

Independent claims 1, 8 and 16 have been amended to incorporate the subject matter of claim 15, which has been canceled without prejudice with this paper. Therefore, the discussion with regard to the rejection of claim 15 is applicable. It is respectfully submitted that the rejection of claim 15 is now moot and it is respectfully requested that the rejection be withdrawn.

It is respectfully noted that the Examiner asserted, at page 3 of the Office action with regard to the rejection of claim 15, that Chiang discloses "the second antenna reflects the electromagnetic waves in the opposite direction of the head of the user" at col. 6, ll. 12-18, and col. 9, ll. 3-20 and, specifically asserted that "the antennas can be passive or directive." The Applicant respectfully disagrees with the Examiner's interpretation of Chiang.

It is respectfully submitted that there is no disclosure in Chiang related to using the antennas to "reflect the electromagnetic waves in the opposite direction of the head of the user." It is further respectfully submitted that the Examiner's interpretation of Chiang is contrary to the

disclosure therein.

It is respectfully noted that Chiang is directed to “considerations [that] should be taken into account when designing an antenna for a hand-held wireless device,” such as “mechanical characteristics to satisfy the needs of a typical user,” “an aesthetically pleasing appearance” and problems such as “multipath fading” and “inter-cell interference” in order to “maximize antenna performance, while minimizing size and manufacturing complexity.” Col. 2, line 12 to col. 3, line 67. It is submitted that none of the disclosed “considerations” are related to “reducing the effects on the human body of electromagnetic waves emitted from the terminal” by substantially reducing “the amount of electromagnetic waves that are absorbed by the human body” and “specifically away from the head,” as is the present invention. Specification at paragraphs 0002, 0013 and 0034.

It is further respectfully noted that the only disclosure in Chiang related to the body of the user is to reduce the effects of the body on signals transmitted from the “handset” by “localiz[ing] current or near fields of the antenna elements toward the base of the antenna elements” such that “negative performance effects imposed by the human hand holding the handset or the body of the handset or the body of the handset itself can be reduced.” Col. 4, ll. 38-43. It is respectfully submitted that the disclosure to localize “current or near fields of the antenna elements toward the base of the antenna elements” would actually cause a user to be subjected to **more** electromagnetic waves by directing those waves in the **same** direction of the head of the user, given the disclosed location of the “base of the antenna elements at the top or bottom of the “housing 110” as illustrated in FIGS. 1A, 1B, 1C, 2 and 8 since the “housing 110” would be next to the user’s head when the “cellular handset 100” is in use.

Moreover, it is respectfully noted that Chiang discloses that “the antenna array may be mounted at the bottom of the handset away from obstruction and absorption, such as the human brain.” Col. 6, ll. 14-17 and FIG. 1C. It is respectfully submitted that it would not be necessary to mount “the antenna array” at the bottom of the handset to avoid “absorption” by the “human brain” if the “the second antenna reflects the electromagnetic waves in the opposite direction of the head of the user” as asserted by the Examiner.

Therefore, it is respectfully that Chiang fails to disclose “the second antenna reflects the electromagnetic waves in the opposite direction of the head of the user” and that independent

claims 1, 8 and 16 are allowable over the cited reference. It is further respectfully asserted that claim 3, which depends from claim 1, and claims 9 and 11, which depend from claim 8, also are allowable over the cited reference.

§ 103 Rejections

Claims 2, 4, 10 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chiang in view of Bauregger et al. (“Bauregger” U.S. Publication No. 2003/0214443). This rejection is respectfully traversed.

It is respectfully submitted that Bauregger fails to cure the deficiencies of Chiang with respect to the limitation “the second antenna reflects the electromagnetic waves in the opposite direction of the head of the user” as recited in independent claims 1 and 8. Therefore, it is respectfully asserted that claims 1 and 8 are allowable over the cited combination of references. It is further respectfully asserted that claims 2 and 4, which depend from claim 1, and claims 10 and 13, which depend from claim 8, also are allowable over the cited combination of references.

Claims 2, 5 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chiang in view of Shiraki et al. (“Shiraki” U.S. Publication No. 2001/0024944). This rejection is respectfully traversed.

It is respectfully submitted that Shiraki fails to cure the deficiencies of Chiang with respect to the limitation “the second antenna reflects the electromagnetic waves in the opposite direction of the head of the user” as recited in independent claims 1 and 8. Therefore, it is respectfully asserted that claims 1 and 8 are allowable over the cited combination of references. It is further respectfully asserted that claim 5, which depends from claim 1, and claim 14, which depends from claim 8, also are allowable over the cited combination of references.

Claims 6, 7, 12, 16 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chiang in view of Katagishi et al. (“Katagishi” U.S. Publication No. 2004/0063476). This rejection is respectfully traversed.

It is respectfully submitted that Katagishi fails to cure the deficiencies of Chiang with respect to the limitation “the second antenna reflects the electromagnetic waves in the opposite direction of the head of the user” as recited in independent claims 1, 8 and 16. Therefore, it is respectfully asserted that claims 1, 8 and 16 are allowable over the cited combination of

references. It is further respectfully asserted that claims 6 and 7, which depend from claim 1, claim 12, which depends from claim 8, and claim 18, which depends from claim 16, also are allowable over the cited combination of references.

Claims 17 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chiang in view of Katagishi and in further view of Bauregger. This rejection is respectfully traversed.

It is respectfully submitted that Katagishi and Bauregger fail to cure the deficiencies of Chiang with respect to the limitation “the second antenna reflects the electromagnetic waves in the opposite direction of the head of the user” as recited in independent claim 16. Therefore, it is respectfully asserted that claim 16 is allowable over the cited combination of references. It is further respectfully asserted that claims 17 and 19, which depend from claim 16, also are allowable over the cited combination of references.

Claim 20 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Chiang in view of Katagishi and in further view of Shiraki. This rejection is respectfully traversed.

It is respectfully submitted that Katagishi and Shiraki fail to cure the deficiencies of Chiang with respect to the limitation “the second antenna reflects the electromagnetic waves in the opposite direction of the head of the user” as recited in independent claim 16. Therefore, it is respectfully asserted that claim 16 is allowable over the cited combination of references. It is further respectfully asserted that claim 20, which depends from claim 16, is allowable over the cited combination of references.

CONCLUSION

In light of the above remarks, Applicant submits that the claims 1-14 and 16-20 of present application are in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

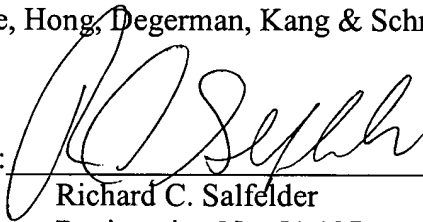
If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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